

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION No.24652 of 2003

Between:

T. A. Jaya Sagar S/o T.R. Aaron,
presently Working as Mechanic Grade-I, APSRTC,
Mahabubnagar Depot, Mahabubnagar,
R/o H.No.1-2-48, Christian Colony, Mahabubnagar.

..... PETITIONER

AND

1 The Regional Manager, A.P. State Road Transport Corporation,
Mahabubnagar Region, Mahabubnagar-509001,
2 A. Samuel, E. 34577,
presently Promoted as leading hand,
O/o Depot Manager, APSRTC., Kalwakurthy Depot,
Mahabubnagar District

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or a Writ order or direction, particularly one in the nature of Writ of Mandamus, declaring the office order of the 1st respondent bearing No.P3/255(3)/2003-RM MBNR dt.12-11-2003 in so far as it relates to the promotion of the 2nd respondent herein as leading hand as illegal, arbitrary and unwarranted, and consequently direct the 1st respondent herein to revert the 2nd respondent to his original post of mechanic in the Andhra Pradesh State Road Transport Corporation and promote the petitioner as leading hand by him as promoted from the date of the aforesaid office order dt.12-11-2003.

Counsel for the Petitioner : MR.KUSURI SATYANARAYANA

Counsel for Respondent No.1 : MR. P.VINAYAKA SWAMY

Counsel for Respondent No.2 : None appeared.

The Court made the following :

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ORDER :

This writ petition is filed by the petitioner praying for the issue of a Writ of Mandamus declaring the action of the first respondent in promoting the second respondent by proceedings dated 12-11-2003 as illegal, arbitrary and without jurisdiction, and consequently direct the first respondent to promote the petitioner to the post of Leading Hand as the said promotion of the second respondent is contrary to the Circular No.PE-25/1990, dated 12-2-1990 and also the Andhra Pradesh State Road Transport Corporation Employees Recruitment Regulations, 1966 (hereafter referred to as 'the Recruitment Regulations').

According to the petitioner he is an I.T.I. qualified candidate. He was appointed as a Cleaner in the first respondent-Corporation on 20-7-1977. Later he was promoted as a Mechanic, Grade-II on 6-5-1978 and again promoted to the post of Mechanic, Grade-I by proceedings dated 7-3-1991. The next post of promotion is Leading Hand specified in Section 'E' of Class III Services. The method of recruitment is by promotion from among the various categories of employees, such as Mechanics, Grade-I or Grade-II or Artisans other than Mechanics. It is also the case of the petitioner that certain posts are reserved both for Mechanics, Grade-I or Grade-II as well as Artisans, which is also confirmed by Circular referred to above. According to the petitioner, as per the Circular dated 12-2-1990 the second vacancy in a Unit of

four vacancies have to be filled by promotion from among the candidates with I.T.I. qualification. As the respondent-Corporation did not consider his case, the petitioner has come up with the present writ petition seeking appropriate direction.

Though a counter has been filed disputing and denying the claims of the petitioner, but with reference to the specific issue, the respondent-Corporation did not meet the contentions raised. Further, as the Circular was produced during the course of hearing, the learned standing counsel for the respondent-Corporation was asked to get instructions. Therefore, today at the time of hearing, the appropriate rules were placed before this Court.

Heard both sides and considered the material on record.

A perusal of the recruitment Regulations shows that in a unit of twelve vacancies in a Division, 1st, 3rd, 4th, 7th, 9th and 12th vacancies shall be filled by promotion by selection from the rank of Mechanics, Grade-I or otherwise the rank of Mechanic, Grade-II. 5th, 8th and 11th vacancies shall be filled by promotion by selection from the rank of other Artisans other than the Mechanics. 6th and 10th vacancies shall be filled by promotion by selection of Mechanics, Grade-I or Grade-II, who were directly recruited as such from I.T.I. candidates. Similarly, 2nd vacancy shall be filled by promotion by selection of other Artisans, Grade-I or Grade-II other than the Mechanics, who are directly recruited as such from I.T.I. candidates. Though the 6th and 10th vacancies were reserved for Mechanics, Grade-I or Grade-II, who are directly recruited as such from I.T.I. candidates, the Circular dated 12-2-1990 issued by the respondent-Corporation has diluted the said position making the candidates, who were also promoted to Mechanic, Grade-I or Grade-II with I.T.I. qualification, eligible for consideration. By virtue of the said Circular, the petitioner is also eligible to be considered for promotion as he is working as Mechanic, Grade-I with I.T.I. qualification. Therefore, the grievance of the petitioner is that he is not being considered for promotion to the post of Leading Hand.

At the time of hearing, it is represented by the learned standing counsel for the respondent-Corporation that, with reference to the 6th vacancy, when promotion orders were issued, a writ petition being W.P.No.17978 of 1998 was filed and obtained stay with reference to the 6th vacancy. But, however, the grievance of the petitioner is that he is eligible for promotion and there are no other senior Mechanics with I.T.I. qualification eligible for promotion either against the 6th vacancy or against the 10th vacancy.

Therefore, the writ petition is disposed of directing the respondent-Corporation to consider the claim of the petitioner for promotion to the post of Leading Hand in accordance with the rules specified under clause (c) of Section 'E', Class III Services i.e., for filling up the 6th and 10th vacancies of Leading Hand by promotion from the Mechanics, Grade-I or Grade-II with I.T.I. qualification, as per the seniority. No order as to costs.

(S.ANANDA REDDY, J.)

18-11-2004.

Msr.

To

1 The Regional Manager, A.P. State Road Transport Corporation,
Mahabubnagar Region, Mahabubnagar-509001,
2. 2CD copies

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.24652 of 2003

18-11-2004.

(Msr)